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# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

15-30368

### CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s)	: Karl Massenburg	Case No:
This plan, dated	nuary 27, 2015 , is:	
	the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the ■confirmed or □unconfirmed Plan dated.	
	Date and Time of Modified Plan Confirming Hearing:	
	Place of Modified Plan Confirmation Hearing:	
The	Plan provisions modified by this filing are:	

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, <u>and the included motions in paragraphs 3, 6, and 7 to value collateral</u>, avoid liens, and assume or reject unexpired leases or executory contracts may be <u>granted</u>, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$213,915.00

Total Non-Priority Unsecured Debt: \$1,209.00

Creditors affected by this modification are:

Total Priority Debt: **\$375.00**Total Secured Debt: **\$53,038.00** 

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- **1. Funding of Plan.** The debtor(s) propose to pay the trustee the sum of \$515.00 Monthly for 60 months. Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$ 30,900.00 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
  - A. Administrative Claims under 11 U.S.C. § 1326.
    - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
    - 2. Debtor(s)' attorney will be paid \$\_4,960.00 balance due of the total fee of \$\_5,000.00 concurrently with or prior to the payments to remaining creditors.
  - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority	Estimated Claim	Payment and Term
IRS	Taxes and certain other debts	375.00	Prorata
			2 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
  - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

Creditor	Collateral	Purchase Date	Est Debt Bal.	Replacement Value
United Consumer	Hoover vacuum cleaner	Opened 1/01/08	659.00	200.00
Financial Ser		Last Active		
		5/02/09		

### B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

Creditor	Collateral Description	Estimated Value	Estimated Total Claim
-NONE-			

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### C. Adequate Protection Payments.

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The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Santander Consumer Usa	2006 Nissan Altima	62.00	Trustee
Creditor	Collateral Description	Adeq. Protection  Monthly Payment	To Be Paid By

owns 50% interest

Springleaf Financial S 2007 Chevrolet Impala LT, 87K 62.00 Trustee United Consumer Financial Ser Hoover vacuum cleaner 25.00 Trustee

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

### D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

		Approx. Bal. of Debt or	Interest	
<u>Creditor</u>	Collateral	"Crammed Down" Value	Rate	Monthly Paymt & Est. Term**
Chesterfield	Location: 10616 Reedy Branch	7,300.00	0%	Prorata
County Treasurer	Rd, Chesterfield, VA 23838			47 months
Santander	2006 Nissan Altima	6,389.00	4.25%	Prorata
Consumer Usa				47 months
	owns 50% interest			
Springleaf	2007 Chevrolet Impala LT, 87K	5,100.00	4.25%	Prorata
Financial S	•			47 months
<b>United Consumer</b>	Hoover vacuum cleaner	200.00	4.25%	Prorata
Financial Ser				47 months

#### E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

### 4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 100 %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately 0 %.
- B. Separately classified unsecured claims.

Creditor	Basis for Classification	Treatment
-NONE-		

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5.	Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term 0 3 6 8
	Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any
	existing default under 11 U.S.C. § 1322(b)(5).

A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
Creditor	Collateral	Payment	Arrearage	Rate	Cure Period	Payment
GreenTree	Location: 10616 Reedy Branch	626.00	625.00	0%	47 months	Prorata
	Rd, Chesterfield, VA 23838					

tax assessed value

**B.** Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
Creditor	Collateral	Payment	Arrearage Rate	Arrearage	Payment
NONE					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	<u>Collateral</u>	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
  - A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

Creditor	Type of Contract
-NONE-	

**B. Executory contracts and unexpired leases to be assumed.** The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

			Monthly Payment	Estimated
Creditor	Type of Contract	Arrearage	for Arrears	Cure Period
-NONE-				

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7. Liens Which Debtor(s) Seek to Avo	zoid.
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A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor -NONE-

Collateral

**Exemption Amount** 

Value of Collateral

**B.** Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor -NONE-

Type of Lien

Description of Collateral

Basis for Avoidance

- 8. Treatment and Payment of Claims.
  - All creditors must timely file a proof of claim to receive payment from the Trustee.
  - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
  - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
  - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- 9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

GreenTree shall continue sending regular statements to debtor and co-debtors.

Dated: January 27, 2015	
/s/ Karl Massenburg	/s/ Robert Duke, Esq
/s/ Karl Massenburg Karl Massenburg	/s/ Robert Duke, Esq Robert Duke, Esq

**Exhibits:** Copy of Debtor(s)' Budget (Schedules I and J);

**Matrix of Parties Served with Plan** 

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Certificate of Service

I certify that on January 27, 2015 , I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service

/s/ Robert Duke, Esq Robert Duke, Esq Signature America Law Group, Inc. 2312 Boulevard Colonial Heights, VA 23834 Address

804-520-2428

Telephone No.

Ver. 09/17/09 [effective 12/01/09]

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$\bigcirc$	fficial Form B 6I					<u></u>		e following date:	
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sup spo atta	as complete and accurate as pos plying correct information. If you use. If you are separated and yo ch a separate sheet to this form.  Describe Employment	i are married and not filli ur spouse is not filing wi On the top of any additi	ng jointly, and your ith you, do not inclu	spouse de infor	is liv mati	ing with you, incl on about your spo	ude info ouse. If	ormation about more space is	your needed,
1.	Fill in your employment information.		Debtor 1			Debtor 2	or non	n-filing spouse	
	If you have more than one job, attach a separate page with information about additional	Employment status	■ Employed □ Not employed			■ Empl	-	d	
	employers.	Occupation	material handle	r		CNA			
	Include part-time, seasonal, or self-employed work.	Employer's name	FHI			Good N	leighbo	or Homes	
	Occupation may include student or homemaker, if it applies.	Employer's address				Po box Petersk		A 23805	
Pai	rt 2: Give Details About Mo	How long employed to	here? 2 week	s					
<b>Esti</b> spoi	mate monthly income as of the couse unless you are separated.  Sou or your non-filing spouse have me space, attach a separate sheet to	late you file this form. If	-				on the	-	-
								filing spouse	
2.	List monthly gross wages, sala deductions). If not paid monthly,	ary, and commissions (be calculate what the monthle	erore all payroll y wage would be.	2.	\$	1,733.33	\$	1,525.33	
3.	Estimate and list monthly over	time pay.		3.	+\$	0.00	+\$	0.00	
4.	Calculate gross Income. Add I	ine 2 + line 3.		4.	\$	1,733.33	\$	1,525.33	

Deb	tor 1	Karl Massenburg	-	Case	number (if known)		<del>15-3</del>	0368
				_	<b>5</b> 17 7		1	
				For	Debtor 1		ebtor 2 or lling spouse	
	Cor	by line 4 here	4.	\$	1,733.33	\$	1,525.33	
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5.		all payroll deductions:	<b>-</b>	•	222.22	œ.	070.00	
	5a. 5b.	Tax, Medicare, and Social Security deductions  Mandatory contributions for retirement plans	5a. 5b.	\$_ \$	329.33	\$	270.83	
	5c.	Voluntary contributions for retirement plans	5c.	<sup>φ</sup> _	0.00	\$ <u> </u>	0.00	
	5d.	Required repayments of retirement fund loans	5d.	\$-	0.00	\$ <u> </u>	0.00	
	5e.	Insurance	5e.	<u>\$</u> -	0.00	\$	0.00	
	5f.	Domestic support obligations	5f.	\$-	0.00	\$	0.00	
	5g.	Union dues	5g.	<u>\$</u>	0.00	<u>\$</u> —	0.00	
	5h.	Other deductions. Specify:	5h.+	\$		+ \$	0.00	
6.	Add	the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6.	\$	329.33	\$	270.83	
7.	Cal	culate total monthly take-home pay. Subtract line 6 from line 4.	7.	\$	1,404.00	\$	1,254.50	
8.	List 8a.	all other income regularly received:  Net income from rental property and from operating a business, profession, or farm  Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a.	\$	0.00	\$	0.00	
	8b.	Interest and dividends	8b.	\$	0.00	\$	0.00	
	8c. 8d.	Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.  Unemployment compensation	8c. 8d.	\$_ \$	0.00	\$	0.00	
	8e.	Social Security	8e.	<u> </u>	0.00	\$	0.00	
	8f.	Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: Disability	8f.	\$	844.00	\$	0.00	
	8g.	Pension or retirement income	8g.	\$_	0.00	\$	0.00	
	8h.	Other monthly income. Specify:	8h.+	<u>\$_</u>	0.00	+ \$	0.00	_
9.	Add	l all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9.	\$	844.00	\$	0.00	]
10	Cal	culate monthly income. Add line 7 + line 9.	10. \$		2,248.00 + \$	1 25	4.50 = \$	3,502.50
		the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.			2,240.00	1,23	<del></del>	3,30Z.30
11.	State Included the other Double	te all other regular contributions to the expenses that you list in Schedule ude contributions from an unmarried partner, members of your household, your er friends or relatives.  not include any amounts already included in lines 2-10 or amounts that are not a cify:	depen		•	,	hedule J. 11. +\$	0.00
12.		I the amount in the last column of line 10 to the amount in line 11. The rese that amount on the Summary of Schedules and Statistical Summary of Certailies						3,502.50
10	Da.	well expect an increase or decrease within the year often year file this form	2				Combine monthly	
13.	Do :	you expect an increase or decrease within the year after you file this form' No.	ſ					
	_	Yes Explain:						

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15 - 30368Fill in this information to identify your case: Debtor 1 Check if this is: Karl Massenburg ☐ An amended filing Debtor 2 A supplement showing post-petition chapter 13 expenses as of the following date: (Spouse, if filing) United States Bankruptcy Court for the: <u>EASTERN DISTRICT OF VIRGINIA</u> MM / DD / YYYY A separate filing for Debtor 2 because Debtor 2 maintains a separate household (If known) Official Form B 6J Schedule J: Your Expenses 12/13 Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question. Part 1: Describe Your Household Is this a joint case? No. Go to line 2. ☐ Yes. Does Debtor 2 live in a separate household? ☐ Yes. Debtor 2 must file a separate Schedule J. Do you have dependents? No. Do not list Debtor 1 and Fill out this information for Dependent's relationship to Dependent's Does dependent ☐ Yes. each dependent..... Debtor 1 or Debtor 2 live with you? Debtor 2. age Do not state the ☐ No dependents' names. ☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes Do your expenses include ■ No expenses of people other than ☐ Yes yourself and your dependents? Estimate Your Ongoing Monthly Expenses Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental Schedule J, check the box at the top of the form and fill in the applicable date. Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on Schedule I: Your Income Your expenses (Official Form 6I.) The rental or home ownership expenses for your residence. Include first mortgage 626.00 4. \$ payments and any rent for the ground or lot. If not included in line 4:

100.00

0.00

0.00

0.00

4c. \$

4d. \$

Real estate taxes

Property, homeowner's, or renter's insurance

Home maintenance, repair, and upkeep expenses

Additional mortgage payments for your residence, such as home equity loans

Homeowner's association or condominium dues

4b.

4c.

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rease because of a

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Chesterfield County Treasurer Attn: Bankruptcy PO Box 70 Chesterfield, VA 23832

Credit Collections Srv. Po Box 9134 Needham, MA 02494

GreenTree PO Box 94710 Palatine, IL 60094

IRS
Po Box 7346
Philadelphia, PA 19101

Midland Credit Mgmt In 8875 Aero Dr Ste 200 San Diego, CA 92123

Santander Consumer Usa Po Box 961245 Ft Worth, TX 76161

Springleaf Financial S 9925 Hull Street Rd Richmond, VA 23236

United Consumer Financial Ser 865 Bassett Rd Westlake, OH 44145